

REMARKS

STATUS OF CLAIMS

Claims 3-5, 7-8, 10, 13-14, 16, and 18-19 were previously cancelled

Claims 24 and 25 have been amended.

No claims have been cancelled, added, or withdrawn herein.

Claims 1, 2, 6, 9, 11, 12, 15, 17, and 20-45 are currently pending in the application.

PRELIMINARY ADMINISTRATIVE MATTER RE: IDS FILED ON April 25, 2006

On April 25, 2006, the Applicant filed an Information Disclosure Statement (IDS), for which the Form 1449 lists seven references (six U.S. patents and one published U.S. patent application). As indicated on the returned postcard, the Office received this IDS on April 27, 2006. The Applicant has confirmed via PAIR that this IDS is included in the Image File Wrapper for this application with a date of April 27, 2006.

To date, the Applicant has not received a copy of the Form 1449 for this IDS with the Examiner's initials, signature, and date to indicate that the references on this IDS have been considered. Given the April 25, 2006 filing date of this IDS and the October 26, 2006 mailing date of the present Office Action, the Applicant would have expected this Form 1449 to have been returned with the present Office Action. However, the present Office Action did not include this Form 1449, nor does the Office Action Summary page indicate at the bottom that an IDS Form 1449 was included.

The Applicant respectfully requests that an initialed, signed, and dated copy of this Form 1449 from the April 25, 2006 be returned to the Applicant with the next communication from the Office.

SUMMARY OF THE REJECTIONS/OBJECTIONS

Claims 24 and 25 have been rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Claims 1-2, 12, 15, 17, 20-22, 24-30, 34-38, and 42-45 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent Number 6,684,331 B1 of Srivastava (" *Srivastava* ") in view of U.S. Patent

Number 6,289,455 B1 B1 of Kocher et al. (" *Kocher* "). Claims 6, 31, and 39 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Srivastava* in view of *Kocher* and in further view of U.S. Patent Number 5,982,898 issued to Hsu et al. (" *Hsu* "). Claims 9, 11, 32, 33, 40, and 41 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Srivastava* in view of *Kocher* and in further view of U.S. Patent Number 6,643,773 of Hardjono (" *Hardjono* "). Claim 23 has been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Srivastava* in view of *Kocher* and in further view of U.S. Patent Application Publication Number 2002/0059516 issued to Turtiainen et al. (" *Turtiainen* "). The rejections are respectfully traversed.

A. CLAIMS 24 AND 25 THAT ARE REJECTED UNDER §101

Claims 24 and 25 are rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Specifically, the Office Action states: "Claims 24, 25 are directed [to] a computer-readable medium for storing instructions. The examiner respectfully asserts that the claimed subject matter does not fall within the statutory classes listed in 35 USC 101. Claims 24-25 are directed to a computer readable media that includes data signals (See specification [paragraphs] 0097-0098). A signal does not fall within one of the four statutory classes of 101."

The Applicant notes that paragraphs 0097-0098 of the Application define a "computer-readable medium" as including both storage media, including both non-volatile media volatile media, and transmission media, the latter of which apparently encompasses the "signals" upon which the rejection is based in the Office Action. While the Applicant disagrees with the Office Action's contention that transmission media are not directed to statutory subject matter, in the interest of facilitating the expeditious prosecution of the present application, the Applicant has amended Claims 24 and 25 to feature "computer-readable storage medium."

Because a "storage medium" encompasses the computer-readable media described in the application, such as the volatile and non-volatile media described therein, but does not include the transmission media, which apparently encompasses the "signals" referred to in the Office Action's rejections, the Applicant respectfully submits that Claims 24 and 25, as amended herein, traverse the rejection under 35 U.S.C. § 101 and therefore that Claims 24 and 25 are now in condition for allowance.

B. CLAIMS 1, 2, 6, 9, 11, 12, 15, 17, AND 20-45
THAT ARE REJECTED UNDER §103(A)

(1) INTRODUCTORY DISCUSSION OF THE 103(A) REJECTIONS

Claims 1, 2, 6, 9, 11, 12, 15, 17, and 20-45 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Srivastava* in view of *Kocher* in combination with each other either (1) based on those two references alone or (2) over both *Srivastava* in view of *Kocher* and in further view of one of three other cited references (e.g., *Hsu*, *Hardjono*, or *Turtiainen*). Note that this means that all claims are rejected at least in part based on *Srivastava*.

(2) EXCLUSION OF *SRIVASTAVA* UNDER 103(C)

Claims 1, 2, 6, 9, 11, 12, 15, 17, and 20-45 have been rejected under 103(a) for allegedly being obvious based on at least *Srivastava* in view of *Kocher*, with some claims additionally being rejected over one of three other cited references along with both *Srivastava* and *Kocher* (e.g., *Hsu*, *Hardjono*, or *Turtiainen*).

However, under 35 U.S.C. 103(c)(1): “Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.”

Pursuant to MPEP 702.02(l)(2)(II), the Applicant provides the following statement of common ownership:

**Application 09/996,948 and the subject matter of U.S. Patent 6,684,331
B1 were, at the time the invention of Application 09/996,948 was made,
owned by Cisco Technology, Inc.**

(3) CONCLUSION OF DISCUSSION OF THE 103(A) REJECTIONS

Because *Srivastava* cannot be used in a 103(a) rejection per 103(c) and because none of Claims 1, 2, 6, 9, 11, 12, 15, 17, and 20-45 are disclosed, taught, suggested, or obvious in view of *Kocher* alone, or in view of *Kocher* plus any of three other cited references (e.g., *Hsu*,

Hardjono, or Turtiainen), either alone or in combination, the Applicant respectfully submits that Claims 1, 2, 6, 9, 11, 12, 15, 17, and 20-45 are allowable over the prior art and are in condition for allowance.

CONCLUSION

The Applicant believes that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate. After entry of the amendments, further examination on the merits is respectfully requested.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

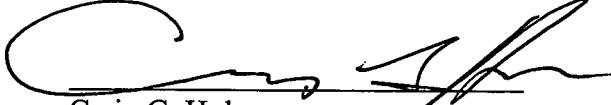
For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

To the extent necessary to make this reply timely filed, the Applicant petitions for an extension of time under 37 C.F.R. § 1.136.

If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP



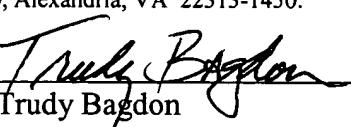
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Hon. Commissioner for Patents, Mail Stop AMENDMENT, P.O. Box 1450, Alexandria, VA 22313-1450.

on 1/23/2007 by 
Trudy Bagdon